

Health and Safety at Work (NI) 1978

General duties of employers

Art 4: duty to ensure, so far as is reasonably practicable the health safety & welfare of employees:-

- safe workplace & safe working practices
- information, training & supervision
- adequate welfare facilities
- health & safety policy
- safety representatives & committees

General duties towards persons other than employees

- Art 5: duty of those in control of premises to non-employees
- duties of manufacturers & suppliers (includes provision of safety information)

Managerial and supervisory liability & general duties on employees

- Art 8: duty of employees to take reasonable care for their health & safety and that of others affected by their acts/ omissions and to co-operate with employer

Duty not to interfere

- Art 9: no person to intentionally/ recklessly interfere with or misuse anything provided for health, safety or welfare
- no charge to employees for H&S items
- Interpretation Act (NI) 1954. S 22(2) re managerial and corporate liability. Difficulties in prosecution with 'corporate manslaughter'.
- where the commission of an offence is due to the default of another person - that person shall be guilty of the offence
- Directors are responsible (*as well as the body corporate*) for offences committed with their consent/connivance or attributable to any neglect on their part
- (*Civil Liability & HS at Work (NI) Order*) Art 43 grants no right of action for breaches of Arts 4-9

Health and Safety Regulations

- Made under the *Health & Safety at Work etc Act 1974 (NI Order 1978)*
- Often required by European Directives
- Consultative Documents issued by Health & Safety Commission
- Signed by the Secretary of State
- Laid before Parliament
- Have coming into force (*CIF*) dates
- Most may be cited in "*breach of statutory duties*" actions